



PATENT
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Shinji YOKO et al.

Confirmation No.: 9086

Application No.: 09/871,697

Group Art Unit: 3623

Filed: June 4, 2001

Examiner: Andre D. Boyce

For: MULTI-DIMENSIONAL
MANAGEMENT METHOD
AND SYSTEM

Mail Stop Appeal Brief - Patents

Commissioner for Patents
U.S. Patent and Trademark Office
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Alexandria, VA 22314

Sir:

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. § 41.41

Appellants filed a Notice of Appeal on November 21, 2008, and their revised brief on April 3, 2009. This Reply Brief responds to the arguments raised in the Examiner's Answer mailed July 6, 2009 and is timely filed on or before September 6, 2009.

This Reply Brief is submitted in the format specified in the current rules, rather than the format specified in the rules originally scheduled to become effective December 10, 2008. As announced in the Federal Register on December 10, 2008, either format is acceptable.

ARGUMENT

Appellants respectfully maintain that the rejections under 35 U.S.C. § 103 are improper and should be reversed for the reasons set forth in Appellants' Revised Brief filed April 3, 2009. The Examiner's arguments presented in the Examiner's Answer mailed July 6, 2009 are erroneous in three key respects, addressed below.

First, the Examiner takes a contradictory position in the Examiner's Answer regarding the disclosure of *Cardwell* - and it is this opposing position that best illustrates the nonobviousness of the present invention. First, the Examiner states that "Cardwell does not explicitly disclose storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account." Examiner's Answer at page 5. Appellants agree with this statement as Cardwell fails to disclose the multi-dimensional matrix recited in claims 24, 25, 30, and 31 of the present application. However, later in the Answer, the Examiner reverses this position by stating, at page 9, that *Cardwell* discloses the multi-dimensional matrix. Appellants respectfully disagree. Independent claims 24, 25, 30, and 31 recite in part "a database in the form of a multi-dimensional matrix." In contrast, *Cardwell* discloses a hierarchical management method for managing an objectives-based business plan that looks at various parameters individually. Rather than teaching a matrix approach, *Cardwell* 5:19-23 teaches that "upper management of the organization determines the future of the organization." *Id.* (emphasis added). *Cardwell* begins at the organizational level and works down to the individual level. A project scope is not discussed at the next level until it has "trickled down" from the level above. *Cardwell* at 6:30-34. The Examiner's Answer does

not refute, and cannot refute Appellants' position as *Cardwell* simply does not teach or suggest a multi-dimensional matrix.

Further, the Examiner's Answer actually does not address Appellants' argument that SBO fails to overcome these deficiencies of *Cardwell*, but merely paraphrases aspects of the SBO reference. The Examiner's Answer does not, and cannot refute Appellants' position that like *Cardwell*, SBO teaches a method of setting priorities (objectives), evaluating them on a periodic basis, and measuring their achievement independently. SBO ¶ 5 (emphasis added). Each objective in SBO is evaluated independently of other priorities. Rather than teaching a matrix, SBO teaches that the parameters used to measure each objective are merely subobjectives of an isolated objective. SBO ¶ 10.

Second, the Examiner does not accurately or effectively argue against Appellants' position that independent claims 24, 25, 30, and 31 recite in part "four inter-related axes" that "communicate both horizontally and vertically with each of the other axes." The Examiner's Answer states that Appellants' Specification teaches that "the axes are merely selected, manipulated, and displayed from a database," and then attempts to equate this teaching to *Cardwell*. The Examiner's Answer is not accurate in either respect. Appellants' specification explicitly teaches a "horizontally and vertically integrated management system." (¶¶ 84-87) Even if *Cardwell* disclosed "four inter-related axes" (which Appellants submit it does not) the *Cardwell* axes do not communicate both horizontally and vertically with each of the other four axes. Instead, changes are only communicated along a single axis. For example, *Cardwell* discloses that when one business priority changes, "the team and individual who are working on this priority will be notified of the change so they can adjust the task or project they are working

on.” *Cardwell* at 12:36-39 (emphasis added). Moreover, the Examiner’s Answer does not, and cannot, show that SBO overcomes these deficiencies.

Third, the Examiner’s Answer does not successfully argue against Appellants’ position that neither *Cardwell* nor SBO teach “managing an achievement of the target by reading the said initial target and said actual performance and arbitrarily selecting any one or more from said four axes simultaneously” and “displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target” as recited in independent claims 24, 25, 30, and 31 of the present application. The Examiner’s Answer does not address and overcome Appellants’ argument that in *Cardwell*, individual teams are assigned to a “particular” business priority, and performance in *Cardwell* is evaluated on accomplishment of “chronological listing[s]” of “specific outcomes,” of a single portion of the project. *Cardwell* at 7:49-51. Thus, as Appellants show, in *Cardwell*, each step is done sequentially, and the scope of the project is not discussed at the next level until it has “trickled down” from the level above. *Cardwell* at 6:30-31. Accordingly, Appellants assert that *Cardwell* lacks any teaching or suggestion of “arbitrarily selecting any one or more [parameters] from said four axes simultaneously,” and the Examiner’s Answer does not rebut this position.

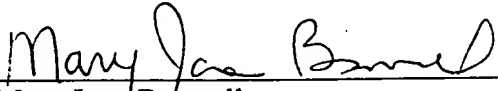
In view of the foregoing, Appellants respectfully request the reversal of the Examiner’s rejections and allowance of the pending claims. If there are any other fees due in connection with the filing of this Reply Brief, please charge the fees to our Deposit Account No. 50-0310.

Respectfully submitted,

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Dated: August 24, 2009

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formation is appended under this section.